

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11353

Title 23, California Code of Regulations

OAL File No. 2013-0927-04 S

Adopt sections:

Amend sections: 3939.24

Repeal sections:

This regulatory action by the State Water Resources Control Board (State Board) amends the Water Quality Control Plan for the Los Angeles Region as adopted by the Los Angeles Regional Water Quality Control Board (Regional Board) on June 7, 2012, pursuant to Resolution R12-008 and approved by the State Board on March 19, 2013, pursuant to Resolution 2013-0008. This basin plan amendment revises the total maximum daily load (TMDL) for bacteria in Ballona Creek, Ballona Estuary and the Sepulveda Channel and includes a new reconsideration deadline of July 15, 2018.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: 11/8/2013



Kevin D. Hull
Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Jenny Newman

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2013-0927-045	EMERGENCY NUMBER -
For use by Office of Administrative Law (OAL) only		2013 SEP 27 PM 2:03 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	

ENDORSED FILED
IN THE OFFICE OF

2013 NOV -8 PM 3:25


 DEBRA BOWEN
 SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board (SWRCB)	AGENCY FILE NUMBER (if any) 2013-0008
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Amendment to the Los Angeles Basin Plan	TITLE(S) 23	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Revise TMDL for Bacteria in Ballona Creek, Estuary, & Sepulveda Chan.	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 07-0105-01 S
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3939.24
TITLE(S) 23	REPEAL
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
	<input type="checkbox"/> File & Print
	<input checked="" type="checkbox"/> Other (Specify) <u>Gov. Code 11353</u>
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Print Only
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State
<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon Approval (Gov. Code 11353)</u>
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input type="checkbox"/> Other (Specify)	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON Jenny Newman	TELEPHONE NUMBER (213) 576-6691
	FAX NUMBER (Optional) (213) 576-6660
	E-MAIL ADDRESS (Optional) jnewman@waterboards.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE September 16, 2013
TYPED NAME AND TITLE OF SIGNATORY Deborah Smith, Chief Deputy Executive Officer, LARWQCB	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 08 2013

Office of Administrative Law

CONCISE SUMMARY OF REGULATORY PROVISIONS

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 4. Los Angeles Region

§ 3939.24 - Total Maximum Daily Load for Bacteria in Ballona Creek, Ballona Estuary and Sepulveda Channel .

This amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) establishes a Total Maximum Daily Load (TMDL) for bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel, based on a reference system approach which allows a set number of exceedances of the applicable bacteria objectives for wet-weather days and both summer (April 1 to October 31) and winter (November 1 to March 31) dry-weather days. Wet-weather days are defined as any day receiving 0.1 inch of rain or more and three days thereafter. There are four components of the TMDL. First, the TMDL sets numeric water quality targets equal to the updated Basin Plan water contact recreation objectives for marine and fresh waters (for Ballona Estuary and Sepulveda Channel respectively), Basin Plan objectives for limited water contact recreation (for Reach 2 of Ballona Creek), and the non-contact water recreation Basin Plan objectives for Reach 1 of Ballona Creek. Second, the TMDL applies the allowable maximum number of daily and weekly sampling days which may exceed the single sample limits for the relevant bacterial indicators, specified in the Basin Plan during summer dry-weather, winter dry-weather, and wet weather. Third, the TMDL provides that all responsible jurisdictions and agencies within a subwatershed are jointly responsible for complying with the waste load allocations and that the responsible jurisdictions for the nonpoint sources are responsible for complying with their load allocation. Fourth, the TMDL applies the allowable exceedance days, and the rolling 30-day geometric bacteria density means as specified in the Basin Plan as bacteriological water quality objectives and stipulates these objectives must be achieved within six years for the summer and winter dry weather period and within ~~10~~ 14 years for the wet-weather period. However, if an integrated water resources approach is implemented, the Executive Officer of the Los Angeles Water Quality Control Board (Los Angeles Water Board) may extend the compliance for the wet weather allowable exceedance days and the rolling 30-day geometric mean up to 14 years from the effective date of the TMDL (which corresponds with the final compliance date of the Santa Monica Bay Bacteria Beaches TMDL).

The amendment identifies Los Angeles County Municipal Separate Storm Sewer System (MS4) Water National Pollutant Discharge Elimination System (NPDES) permit and the Caltrans Storm Water Permit, any future Phase II MS4 permits, general NPDES permits, general industrial storm water permits, general construction storm water permits, and the authority vested in the Executive Officer by Water Code sections 13263, ~~and 13267,~~ and 13383, and other appropriate regulatory mechanisms as the principal regulatory tools to be used to implement the TMDL.

By July 15, 2018, the TMDL shall be re-considered to incorporate new information from technical or scientific studies, or to address revisions to water quality standards, such as adoption of revised water quality objectives based on recommendations from U.S. EPA.

This Basin Plan amendment was adopted by the Los Angeles Water Board on June 8, 2006 (Resolution No. R10-006) and approved by the State Water Resources Control Board (State Water Board) on November 15, 2006.

The Basin Plan amendment was revised by the Los Angeles Water Board on June 7, 2012 (Resolution No. R12-008), and approved by the State Water Board under Resolution No. 2013-0008 on March 19, 2013.